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Docket No. AZ0017-USA-NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jao et al.

Serial No. : 10/628,970

Art Unit: 1732

Filed : July 28, 2003

Examiner:

For : FORMULATIONS AND DOSAGE FORMS FOR CONTROLLED
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March 29, 2005

(Date of Deposit)

Mary A. Appollina, Reg. No. 34, 087

(Name of applicant, assignee, or Registered Representative)

/Mary A. Appollina/

(Signature)

March 29, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure
Statement mailed on February 20, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37
C.F.R. §§1.97-1.98, information relating to the above-
identified application is hereby disclosed. Inclusion of
information in this statement is not to be construed as an
admission that this information is material as that term is
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the
patentability of the claimed invention over any of the
information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

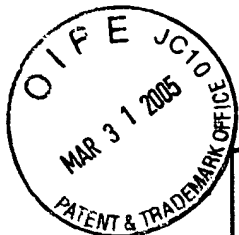
☒ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/AZ0017/MAA. This form is submitted in triplicate.

Respectfully submitted,

/Mary A. Appollina/
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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Application Number	10/628,970
Filing Date	07/28/2003
First Named Inventor	Jao et al.
Group Art Unit	1732
Examiner Name	
Attorney Docket Number	AZ0017-USA-NP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		6,248,363		Patel et al.	06-19-2001	
		6,569,463		Patel et al.	05-27-2003	
		2001/0012847	A1	Lam et al.	09-09-2001	
		6,294,192		Patel et al.	09-25-2001	
		5,906,832		Jao et al.	05-25-1999	
		5,633,011		Dong et al.	05-27-1997	
		5,620,705		Dong et al.	04-15-1997	
		5,262,171		Login et al.	11-16-1993	
		2002/0044960	A1	Cherukuri	04-18-2002	
		2002/0044962	A1	Cherukuri et al.	04-18-2002	
		2002/0127196	A1	Avila et al.	09-12-2002	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	KindCode ⁵				
		WO	01/37808		Patel et al.	05-31-2001		
		WO	01/12155		Patel et al.	02-22-2001		
		WO	98/23263		Homel et al.	06-04-1998		
		WO	00/00179		Beom et al.	01-06-2000		
		WO	99/63971		Tallauakhala	12-16-1999		
		WO	95/06460		Alza Corp.	03-09-1995		
		WO	04/00244 7	A1	Edgren et al.	01-08-2004		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 3

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		Number	Kind Code ² (if known)			
		2003/0185882	A1	Vergez et al.	10-02-2003	
		2003/0228358	A1	Perlman et al.	12-11-2003	
		2004/01915291	A1	Edgren et al.	05-13-2004	
		2002/0022245	A1	Hebebrand et al.	02-21-2002	
		2003/0021841	A1	Matharu et al.	01-30-2003	
		2004/0053894	A1	Mazess et al.	03-18-2004	
		4,888,168		Potts et al.	12-19-1989	
		5,082,655		Snipes et al.	01-21-1992	
		5,817,321		Alakhov et al.	10-06-1998	
		6,562,375	B1	Sako et al.	05-13-2003	
		2005/0053653	A1	Kidane et al.	03-10-2005	

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		Office ³	Number ⁴	Kind Code ⁵				
		WO	02/44276	A2	Avila et al.	06-06-2002		
		WO	03/002151	A1	Massironi	01-09-2003		
		WO	03/004009	A1	Matharu et al.	01-16-2003		
		WO	03/011204	A2	Cherukuri	02-13-2003		
		WO	03/011205	A2	Cherukuri et al.	02-13-2003		
		WO	03/039519	A2	Vergez et al.	05-15-2003		
		WO	03/063833	A1	Perlman et al.	08-07-2003		

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[illegible]

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<p align="center">SUBMISSION UNDER MPEP 609 D</p> <p align="center">Page 1 of 1</p>	<i>Application Number</i>	10/628,970
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			Number	Kind Code ² (if known)	
		D. Edgren et al.	USSN 10/606575		
		I. Reyes et al.	USSN 10/910,040		
		N. Yam et al.	USSN 10/920,934		
		N. Modi et al.	USSN 10/930,917		
		D. Edgren et al.	USSN 11/024,329		
		D. Edgren et al.	USSN 11/024,330		
		D. Edgren et al.	USSN 11/024,378		

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			Office ³	Number ⁴	KindCode ⁵		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner 's Initials*	Cite No. ¹	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²

Examiner Signature		Date Considered	
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